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18 IN THE UNITED STATES DISTRICT COURT  
19 FOR THE EASTERN DISTRICT OF CALIFORNIA

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22 **WATERKEEPERS NORTHERN CALIFORNIA, a  
23 non-profit corporation, d.b.a. DELTAKEEPER,**

24 Plaintiff,

25 v.

26 **RUTH COLEMAN, in her official capacity as  
27 DIRECTOR OF CALIFORNIA DEPARTMENT  
OF PARKS AND RECREATION, a state agency,**

28 Defendant.

29 S-04-2647 KJM

30 **STIPULATION GOVERNING  
31 USE OF INDEPENDENT  
32 COURT ADVISOR; ORDER**

33 Plaintiff Deltakeeper, a chapter of Baykeeper ("Plaintiff" or "Deltakeeper") and  
34 Defendant Ruth Coleman, in her official capacity as Director of California Department of Parks  
35 and Recreation ("Defendant" or "State Parks") (collectively, the "Parties") hereby stipulate to the  
36 following:

37 WHEREAS, on January 13, 2006, the Parties entered into a Consent Decree to settle  
38 the above listed action.

39 WHEREAS, on January 27, 2006, the Parties adjusted some of the deadlines in the

1 Consent Decree and filed an Amended Consent Decree (hereinafter "Decree" or "Amended  
2 Decree");

3 WHEREAS, paragraph 4 of the Amended Decree requires that State Parks will come  
4 into compliance with the requirements of the Construction Storm Water Permit and Industrial  
5 Storm Water Permits by February 21, 2006 (referred to as the "Initial Compliance Period");

6 WHEREAS, pursuant to paragraph 7 of the Decree, the Parties agree to use an expert  
7 consultant to serve as an independent advisor to the Court on all matters pertaining to the  
8 implementation of this Consent Decree requiring expert opinion (hereinafter referred to as the  
9 "Court Advisor");

10 WHEREAS, the Parties agree that the Court Advisor's neutrality and ability to provide  
11 the Parties and the Court with neutral advice and assistance is a key requirement of the Decree.

12 BASED ON THE ABOVE, THE PARTIES HERETO NOW AGREE AND  
13 STIPULATE TO THE FOLLOWING:

14 1. The Parties agree to utilize Eric Strecker as the Court Advisor subject to Mr.  
15 Strecker's agreement to abide by the terms of the contract with State Parks and the California  
16 Department of Justice, the Decree, and the terms of this order.

17 2. As set forth in paragraph 7 of the Decree, State Parks agrees to formally retain the  
18 services of the Court Advisor within 10 calendar days following the date Judge Mueller signs the  
19 Decree.

20 3. The Parties agree that on February 22, 2006, after the Initial Compliance Period  
21 has run, Plaintiff will provide the Court Advisor with the Industrial SWPPP, the Construction  
22 SWPPP, the Industrial Storm Water Permit, and the Construction Storm Water Permit.

23 4. The Parties agree that they can submit additional relevant information to the Court  
24 Advisor but that the parties will first meet and confer to attempt to coordinate the submission of  
25 the information to the Court Advisor.

26 5. Except as set forth herein, the Parties agree to not initiate ex parte communication  
27 or contact with the Court Advisor, either orally or in writing, without the express written consent  
28 of all Parties and the Court Advisor. The Parties agree that not initiating ex parte communication

1 requires that the Parties conduct joint conference calls with the Court Advisor, draft joint  
2 correspondence to the Court Advisor and otherwise meet and confer prior to communicating with  
3 the Court Advisor to maintain his neutrality. The Parties agree that if written comments are to be  
4 submitted to the Court Advisor, the Parties will coordinate with each other to arrange the  
5 submission and shall send comment letters concurrently to the Court Advisor and each other.  
6 The Parties will then coordinate with the Court Advisor to arrange a meeting or telephonic  
7 conference to discuss the Parties' respective positions.

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9 Dated: February 17, 2006

/s/  
LAYNE FRIEDRICH  
Attorney for Plaintiffs  
Waterkeepers Northern California  
d.b.a. Deltakeepers

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Dated: February 17, 2006

/s/  
DENISE FERKICH HOFFMAN  
Attorney for Defendant Department  
of Parks and Recreation

Dated: February 17, 2006

/s/  
BRUCE REEVES  
Attorney for Defendant Department  
of Parks and Recreation

IT IS SO ORDERED.

Dated: March 10, 2006.

UNITED STATES MAGISTRATE JUDGE

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